

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.usplo.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/079,646	02/19/2002	Elena A. Fedorovskaya	83957RLO	7936	
Thomas H. Clo	7590 12/26/2006		EXAM	INER	
Patent Legal Staff Eastman Kodak Company 343 State Street			SINGH, SA	SINGH, SATWANT K	
			ART UNIT	PAPER NUMBER	
Rochester, NY	14650-2201		2625	, ,	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE	
3 MONTHS		12/26/2006	PAF	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

		Application No.	Applicant(s)				
Office Action Summant		Application No.	Applicant(s)				
		10/079,646	FEDOROVSKAYA ET AL.				
	Office Action Summary	Examiner	Art Unit				
<del></del>		Satwant K. Singh	2625				
 Period for	The MAILING DATE of this communication app Reply	bears on the cover sheet with the c	orrespondence address				
WHICH - Extensi after SI - If NO pe - Failure Any rep	RTENED STATUTORY PERIOD FOR REPLIEVER IS LONGER, FROM THE MAILING Dons of time may be available under the provisions of 37 CFR 1.1 X (6) MONTHS from the mailing date of this communication. eriod for reply is specified above, the maximum statutory period to reply within the set or extended period for reply will, by statute by received by the Office later than three months after the mailing patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be time will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).				
Status		•					
1)⊠ R	Responsive to communication(s) filed on 27 N	lovember 2006.					
2a)∏ T	This action is <b>FINAL</b> . 2b)⊠ This action is non-final.						
,	Since this application is in condition for allowance except for formal matters, prosecution as to the ments is						
С	losed in accordance with the practice under <i>l</i>	Ex parte Quayle, 1935 C.D. 11, 45	53 O.G. 213.				
Dispositio	n of Claims						
4) 🛛 C	claim(s) <u>1-20</u> is/are pending in the application	· • ·					
· ·	4a) Of the above claim(s) is/are withdrawn from consideration.						
5)□ C	5) Claim(s) is/are allowed.						
6)⊠ C	)⊠ Claim(s) <u>1-20</u> is/are rejected.						
· •	claim(s) is/are objected to.						
8)∐ , C	claim(s) are subject to restriction and/o	or election requirement.					
Application	n Papers		·				
9)	ne specification is objected to by the Examine	er.					
10)⊠ The drawing(s) filed on <u>23 April 2002</u> is/are: a) accepted or b) objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).						
11)∐ TI	ne oath or declaration is objected to by the E	xaminer. Note the attached Office	Action or form PTO-152.				
Priority un	der 35 U.S.C. § 119						
· -	cknowledgment is made of a claim for foreigr All b)☐ Some * c)☐ None of:	n priority under 35 U.S.C. § 119(a)	)-(d) or (f).				
1	1. Certified copies of the priority documents have been received.						
2	2. Certified copies of the priority documents have been received in Application No						
3	3. Copies of the certified copies of the priority documents have been received in this National Stage						
application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.							
. 2e	e the attached detailed Office action for a list	of the certified copies not receive	GU.				
Attachment(s	· ·						
1) Notice	of References Cited (PTO-892)	4) Interview Summary					
	of Draftsperson's Patent Drawing Review (PTO-948) tion Disclosure Statement(s) (PTO/SB/08)	Paper No(s)/Mail Da 5) Notice of Informal P					
	lo(s)/Mail Date	6) Other:					

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#### **DETAILED ACTION**

### Response to Amendment

1. This office action is in response to the amendment filed on 27 November 2006.

## Response to Arguments

2. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

# Claim Rejections - 35 USC § 103

- 3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 4. Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Philomin et al. (US 2003/0081834) in view of Strubbe et al. (US 6,795,808).
- Regarding Claim 1, Philomin et al teach a method for colleting and associating effective information for a plurality of images in an imaging system, comprising the steps of: (a) displaying a plurality of digital images for viewing by a particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); (b) automatically collecting affective information for the plurality of digital images as the particular user views the images (monitoring the emotion of the viewer) (page 2, paragraph [0022]); and (c) associating the collected affective image with the particular user (associating facial expressions associated with emotional states) (page 2, paragraphs [0022] and [0023]).

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Philomin et al fail to teach a method for colleting and associating effective information for a plurality of images in an imaging system, comprising the step of: storing in a database the collected affective information for each of the plurality of digital images.

Strubbe et al teach a method for colleting and associating effective information for a plurality of images in an imaging system, comprising the step of: storing in a database the collected affective information for each of the plurality of digital images (response data stored or conveyed in response data store 440) (col. 20, lines 55-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to store the affective information in a database for access at a later time.

6. Regarding Claim 2, Philomin et al fail to teach a further including the step of: d) the particular user providing a personal identifier.

Strubbe et al teach a method further including the step of: d) the particular user providing a personal identifier (user identifier 460) (col. 27, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to require a user to identify themselves every time they access the digital images for trend analysis.

7. Regarding Claim 3, Philomin et al fail to teach a method wherein the affective information and a user identifier are stored with the digital image in a digital image file.

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Strubbe et al teach a method wherein the affective information and a user identifier are stored with the digital image in a digital image file (correlate historical data with particular users) (col. 27, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to require a user to identify themselves every time they access the digital images for trend analysis.

8. Regarding Claim 4, Philomin et al fail to teach a method wherein the digital image file includes affective information and user identifiers for a plurality of users.

Strubbe et al teach a method, wherein the digital image file includes affective information and user identifiers for a plurality of users (different users) (col. 27, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to allow a plurality of viewers access to the digital images for trend analysis.

- 9. Regarding Claim 5 Philomin et al teach a method wherein the step of automatically collecting affective information includes monitoring the physiology of the user (monitoring the emotion of the viewer) (page 2, paragraph [0022]).
- 10. Regarding Claim 6, Philomin et al teach a method wherein the step of automatically collecting affective uses a video camera (observation unit 12 may be an optical sensor, sound sensor, a video camera) (page 2, paragraph [0022]).

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- 11. Regarding Claim 7, Philomin et al teach a method wherein the step of automatically collecting affective information includes determining the duration of time the user views each of the plurality of images (facial expression of viewer for predetermined amount of time) (page 4, Claim 4).
- 12. Regarding Claim 8, Philomin et al teach a method wherein the step of automatically collecting affective information for the plurality of digital images includes monitoring the gaze of the user (technique of detecting the emotional state of the viewer... contour of the eye) (page 3, paragraph [0028]).
- 13. Regarding Claim 9, Philomin et al teach a method for providing affective information for images in an imaging system, comprising the steps of: a) sequentially displaying a plurality of digital images for viewing by a particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); b) automatically collecting affective information for each of the plurality of digital images (monitoring the emotion of the viewer) (page 2, paragraph [0022]); c) associating the collected affective information with the particular user (associating facial expressions associated with emotional states) (page 2, paragraphs [0022] and [0023]).

Philomin et al fail to teach a method for providing affective information for images in an imaging system, comprising the steps of: c) storing the collected affective information for each of the plurality of digital images; and d) using the stored collected affective information to facilitate retrieval of particular digital images from the plurality of digital images.

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Strubbe et al teach a method for providing affective information for images in an imaging system, comprising the steps of: c) storing the collected affective information for each of the plurality of digital images (response data stored or conveyed in response data store 440) (col. 20, lines 55-67); and d) using the stored collected affective information to facilitate retrieval of particular digital images from the plurality of digital images (mood/personality classifier correlated historical data with particular users) (col. 7, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to store the affective information in a database for access at a later time.

14. Regarding Claim 10, Philomin et al fail to teach a method wherein the affective information for each of the plurality of digital images is stored along with the digital image in separate digital image files, and the digital image files include a user identifier which identifies the particular user.

Strubbe et al teach a method wherein the affective information for each of the plurality of digital images is stored along with the digital image in separate digital image files, and the digital image files include a user identifier which identifies the particular user (correlate historical data with particular users) (col. 27, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to require a user to identify themselves every time they access the digital images for trend analysis.

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15. Regarding Claim 11, Philomin et al teach a system for providing affective information for images in an imaging system, comprising: c) a display which sequentially displays the set of digital images for viewing by the particular user (presenting processed data signals to the display unit 24 for viewing) (page 2, paragraph [0021]); d) a sensor for automatically measuring the particular user's reaction to the image (observation unit 12) (page 2, paragraph [0022]); and e) a processor for processing the signal from the sensor to provide affective information for the set of digital images (control unit 16) (control unit 16 analyzes data from the observation unit 12) (page 2, paragraph [0023]).

Philomin et al fail to teach a system for providing affective information for images in an imaging system, comprising: a) a digital memory which stores a set of digital images; b) means for identifying a particular user; and e) a memory for storing the affective information for the set of digital images, wherein the processor accesses the stored affective information to facilitate retrieval of particular digital images from the set of stored digital images.

Strubbe et al teach a system for providing affective information for images in an imaging system, comprising: a) a digital memory which stores a set of digital images (database 430); b) means for identifying a particular user (user identifier 460) (col. 27, lines 13-29); and e) a memory for storing the affective information for the set of digital images (response data stored or conveyed in response data store 440) (col. 20, lines 55-67), wherein the processor accesses the stored affective information to facilitate retrieval of particular digital images from the set of stored digital images

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(mood/personality classifier correlated historical data with particular users) (col. 7, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Strubbe to require a user to identify themselves every time they access the digital images for trend analysis.

- 16. Regarding Claim 12, Philomin et al teach a system wherein the sensor is a video camera (observation unit 12 may be an optical sensor, sound sensor, a video camera) (page 2, paragraph [0022]).
- 17. Regarding Claim 13, Philomin et al teach a system wherein the processor processes the signal from the video camera in order to determine the user's facial expression (observation unit communicates with the control unit 16, which analyzes data from the observation unit 12) (page 1, paragraph [0023]).
- 18. Regarding Claim 14, Philomin et al disclose a system wherein the sensor measures the user's biometric response (facial expressions associated with emotional states) (page 2, paragraph [0022]).
- 19. Regarding Claim 15, Philomin et al fail to teach a system, wherein the sensor measures the particular user's galvanic skin response.

Strubbe et al teach a system, wherein the sensor measures the particular user's galvanic skin response (galvanic skin response sensor) (col. 21, lines 47-67, col. 22, lines 1-6).

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Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to use a biometric sensor to monitor biological or physiological characteristics or responses of the viewer.

20. Regarding Claim 16, Philomin et al fail to teach a system, wherein the system includes a pointing device, and the sensor is incorporated into the pointing device.

Strubbe et al teach a teach a system, wherein the system includes a pointing device, and the sensor is incorporated into the pointing device (input user interface 400) (col. 20, lines 29-40).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to input information thru a user interface such as a mouse.

21. Regarding Claim 17, Philomin et al fail to teach a system, wherein the sensor measures the particular user's galvanic skin response.

Strubbe et al teach a system, wherein the sensor measures the particular user's galvanic skin response (galvanic skin response sensor) (col. 21, lines 47-67, col. 22, lines 1-6).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to use a biometric sensor to monitor biological or physiological characteristics or responses of the viewer.

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22. Regarding Claim 18, Philomin et al teach a system wherein the affective information is stored in the digital memory (facial expressions stored in the recognition module 14) (page 2, paragraph [0023]).

23. Regarding Claim 19, Philomin et al fail to teach a system wherein the affective information is stored with each digital image in a digital image file.

Strubbe et al teach a system wherein the affective information is stored with each digital image in a digital image file (response data stored or conveyed in response data store 440) (col. 20, lines 55-67).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teaching of Philomin with the teaching of Strubbe to store a viewers emotional expressions for trend analysis.

24. Regarding Claim 20, Philomin et al fail to teach a system wherein the digital image file includes affective information and user identifiers for a plurality of users.

Strubbe et al teach a system wherein the digital image file includes affective information and user identifiers for a plurality of users (different users) (col. 27, lines 13-29).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to have combined the teachings of Philomin with the teaching of Strubbe to allow a plurality of viewers access to the digital images for trend analysis.

#### Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Satwant K. Singh whose telephone number is (571)

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272-7468. The examiner can normally be reached on Monday thru Friday 8am -

4:30pm.

273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A. Williams can be reached on (571) 272-7471. The fax phone number for the organization where this application or proceeding is assigned is 571-

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Kimberly Williams Supervisory patent examined

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